





N THE COMPONENTS PATENT AND TRADEMARK OFFICE

Application of : Himmelsbach, F. et al) Art Uni	nit: 1616
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U.S. Appln. No. : 10/636,088) Examiner:

Confirmation No.: 9824

U.S. Filing Date : 08/07/2003

Title of Invention: Xanthine Derivatives, Their Preparation And Their Use In

Pharmaceutical Compositions

Attny. Docket No.: 1/1386

Mail Stop Amendment Commissioner for Patents P. O. Box 1450

Alexandria, VA 22313-1450

May 13, 2004

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A and B) with copies of all references cited therein. This is being submitted pursuant to 37 C.F.R. §1.56 and before the mailing of a first Office Action on the merits, pursuant to 37 CFR § 1.97(b).

It should be noted that the references listed in the Information Disclosure Statement have been cited in the International Search Report (ISR) for PCT/EP 03/09096, which corresponds to the present US application. A copy of that ISR is enclosed herewith.

${\color{magenta}igwedge}$	1.97(b).	This Statement is being filed: i) within three (3) months of the filing
date o	f a nationa	al application other than a continued prosecution application under 33 C.F.R.
§1.53	(d); ii) wit	thin three (3) months of the date of entry of the national stage as set forth in
37 C.	F.R. §1.49	1 in an international application; iii) before the mailing of a first Office action
on the	e merits; or	iv) before the mailing of a first Office action after the filing of a request for
contir	ued exami	ination under 37 C.F.R. §1.114.
	1.97(c).	This Statement is being filed after the time period specified in 37
	` '	but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a
		nce under 37 C.F.R. §1.311, or iii) an action that otherwise closes
		ne application. This Statement is being accompanied by:
p. 000	•	of approximent the control of the co
		statement as specified in 37 C.F.R. 81 97(e) [see below]: or

		The fee set forth in 37 C.F.R. §1.17(p).
		The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.
	ent as s	This Statement is being filed after the period specified in 37 C.F.R. on or before payment of the issue fee. This Statement is accompanied by a pecified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R.
	1.97(e).
	counte	Each item of information contained in the instant information disclosure ent was first cited in any communication from a foreign patent office in a expart foreign application not more than three (3) months prior to the filing of stant information disclosure statement; or
	foreign makin inform C.F.R.	No item of information contained in the instant information disclosure ent was cited in a communication from a foreign patent office in a counterpart application, and, to the knowledge of the person signing this certification after greasonable inquiry, no item of information contained in the instant nation disclosure statement was known to any individual designated in 37 §1.56(c) more than three (3) months prior to the filing of the instant nation disclosure statement.
		The fee set forth in 37 C.F.R. §1.17(p).
		The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.
counte in sec	erpart ap	d). Each item of information contained in the accompanying information tement was cited in a communication from a foreign patent office in a oplication, which communication was not received by any individual designated by more than thirty (30) days prior to the filing of the accompanying inclosure statement.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,

Andrea D. Small

Attorney for Applicant(s)

Reg. No. 54,859

Patent Department Boehringer Ingelheim Corp. 900 Ridgebury Road, P.O. Box 368 Ridgefield, CT 06877 Tel: (203) 798-4816 Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on May 13, 2004.

Andrea D. Small, Reg. No. 54,859

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Stitute for form 1449A/PTO

Complete if Known Application Number 10/636,088 Filing Date 08/07/2003 First Named Inventor Frank HIMMELSBACH Art Unit 1616 Examiner Name

(Use as many sheets as necessary)

Attorney Docket Number | 1/1386 1

			U. S. PATENT	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number Number-Kind Code ^{2 (F known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		^{US-} 2003/105077 A1	06/05/2003	Kanstrup, A. B. et al	
)		^{US-} 2003/199528 A1	10/23/2003	Kanstrup, A. B. et al	
		^{US-} 2003/236272 A1	12/25/2003	Carr, R. D.	
12-11-17-17-17-17-17-17-17-17-17-17-17-17-		^{US-} 2002/161001 A1	10/31/2002	Kanstrup, A. B. et al	
		US-			W.C. 10. 10. 10. 10. 10. 10. 10. 10. 10. 10
		US-			
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FOREIGN PATENT DOCUMENTS							
	Cite	Foreign Patent Document	Publication Date MM-DD-YYYY	Publication Date Name of Patentee or		Pages, Columns, Lines,	
	No.1	Country Code ³ 'Number ⁴ 'Kind Code ⁵ (# known)		Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	₹6	
		WO 02/068420 A1	09/06/2002	BI Pharma KG			
••••••	Ţ	WO 03/057200 A2	07/17/2003	Novo Nordisk A/S			
••••••		EP 1 338 595 A2	08/27/2003	Eisai Co., Ltd.			
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Examiner	Date
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the Indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.